

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL OHLY,

Defendant.

Criminal Case No. 08MJ2091

DETENTION ORDER

In accordance with § 3142(f) of the Bail Reform Act of 1984 (18 U.S.C. § 3141 et seq.), a detention hearing was held on July 15, 2008, to determine whether defendant Michael Ohly ("Defendant"), should be held in custody pending removal to the Central District of California, on the grounds that Defendant is a flight risk and a danger to the community. At the detention hearing, Assistant United States Attorney Gregory F. Noonan appeared on behalf of the United States and Federal Defender James M. Chavez appeared on behalf of the Defendant.

Based on the evidence proffered by the United States, the evidence proffered by the Defendant, and the June 17, 2008 order issued by the Central District of California, the Court concludes that the Government met its burden to demonstrate by a preponderance of the evidence that Defendant is a flight risk and that there is no condition or combination of conditions that will reasonably assure Defendant's appearance in this case.

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I.

FINDINGS OF FACT

1. Defendant is charged via a June 17, 2008 order of the United States District Court of the Central District of California ("Central District Court") with having violated 18 U.S.C. § 3583(e) by failing to comply with the conditions of his supervised release.

2. Per the June 6, 2008 Violation Report of the Central District of California's Probation Office, Defendant is alleged to have violated his supervised release conditions by: (1) engaging in conduct leading to two pending criminal cases against him in California Superior Court; (2) failing to refrain from excessive alcohol intake; (3) traveling outside of the Southern District of California (to Riverside, a city within the Central District of California) without the consent of his Probation Officer; and (4) failing to inform his Probation Officer within 72 hours of his arrests in the two pending criminal cases.

3. The June 17, 2008 order of the Central District Court requests "the detention and return of Michael Ohly before the United States District at Los Angeles, California[.]"

II.

CONCLUSIONS REGARDING DETENTION

This Court finds that the June 17, 2008 order is valid, and that, in deference to said order and in light of the evidence proffered at the July 15 hearing, finds that the Government has satisfied its burden of demonstrating, by a preponderance of the evidence, that Defendant is a flight risk and no condition or combination of conditions at this time will reasonably assure the appearance of Defendant at future court proceedings in this case.

III.

ORDER

IT IS HEREBY ORDERED that Defendant be detained pending his removal to the Central District of California.

IT IS FURTHER ORDERED that Defendant be committed to the custody of the Attorney General or the Attorney General's designated representative for confinement in a corrections

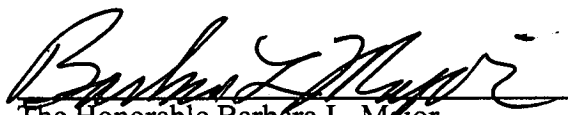
1 facility separate, to the extent practicable, from persons awaiting or serving sentences or being held
2 in custody pending appeal. Defendant shall be afforded reasonable opportunity for private
3 consultation with counsel.

4 While in custody, upon order of a court of the United States or upon the request of an
5 attorney for the United States, the person in charge of the correctional facility shall deliver
6 Defendant to the United States Marshal for the purpose of an appearance in connection with a court
7 proceeding or any other appearance stipulated to by counsel for the defense and for the United
8 States.

9 **THIS ORDER IS ENTERED WITHOUT PREJUDICE.**

10 IT IS SO ORDERED.

11 DATED: 7/25/08


The Honorable Barbara L. Major
United States Magistrate Judge